IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20265 of 2004

Between:

Sidda Reddy Ramana Reddy, S/o. Malla Reddy,
R/o H.No. 10-38-14D, Janathapeta North, Kavali, Nellore District.

..... PETITIONER

AND

1 The Commissioner of Endowments Dept.,

Govt. of A.P., Tilak Road Abids, Hyderabad.
2 The Assistant Commissioner of Endowments, Nellore,

Nellore District.
3 Sri Alaghanadha Swamy Vari Devasthanam, Parlapalli,

Vidavalur Mandal, Nellore District,
Rep., by its Executive Officer.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Public Auction Notification dated 30-10-2004 issued by the 3rd respondent, for conducting public auction on 9-11-2004 for the lands an extent of Ac. 46-54 cents covered by S.No. 35, 36, 37/1,38, 39, 40 and 42 situated at Anuma Samudram Village, A.S. Peta Mandal, Nellore District, is arbitrary, illegal, null and void, and violative of Art 14 & 21 of the Constitution of India, and contrary to the provisions of the Act 30/1987 and rules made thereunder, and the same is liable to be set aside, and consequently direct the respondent authorities to continue the petitioner as tenant in the above lands.

Counsel for the Petitioner: MR.G.KRISHNA MURTHY

Counsel for the Respondent 1 and 2: GP FOR ENDOWMENTS
Counsel for the Respondent No.3: SMT. N.INDRANI

The Court at the admission stage made the following :

ORDER:

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It is not in dispute that the lease in favour of the petitioner expired long back. The claim of the petitioner that he is a landless poor person, on the face of it, appears to be incorrect, since admittedly he is in occupation of land to an extent of Ac.46.54 cents. It is also not in dispute that the petitioner never made any such claim before the Assistant Commissioner of Endowments, who is the competent authority to decide such a claim under Rule 3 of the statutory Rules.

In the circumstances, there is absolutely no justifiable reason to hold that the action of the 3rd respondent-Temple in proposing to put the leasehold rights of the land in question to public auction is arbitrary or illegal.

Accordingly, the writ petition is dismissed. No costs. This shall not preclude the petitioner to participate in the proposed auction, if he so chooses.

_____

04-11-2004

vs

To

1 The Commissioner of Endowments Dept.,

Govt. of A.P., Tilak Road Abids, Hyderabad.
2 The Assistant Commissioner of Endowments, Nellore,

Nellore District.
3 The Executive Officer,

Sri Alaghanadha Swamy Vari Devasthanam, Parlapalli,

Vidavalur Mandal, Nellore District.

4 2CCs to the G.P for Endowments, High Court Buildings,

Hyderabad(O.U.T)

5 2CD copies